

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE: FOOD INGREDIENTS	§ No. 721, 2011
INTERNATIONAL, INC., a	§
Delaware corporation	§ Court Below—Court of Chancery
	§ of the State of Delaware,
	§ in and for New Castle County
	§ C.A. No. 4422

Submitted: January 11, 2012

Decided: January 12, 2012

Before **STEELE**, Chief Justice, **HOLLAND**, and **RIDGELY**, Justices.

ORDER

This 12th day of January 2012, it appears to the Court that:

(1) On December 30, 2011, the Court received appellant Domenic Tricome's notice of appeal from a Court of Chancery order, dated November 28, 2011, which denied his motion to intervene in the dissolution action below. Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before December 28, 2011.¹

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing Tricome to show cause why the appeal should not be dismissed as untimely filed.² Tricome filed a response to the notice to show cause on January 11, 2012. His response is an unfounded rant against this

¹ To the extent Tricome contends he has a receipt showing that the post office placed his notice of appeal in the Supreme Court's post office box on December 29, 2011, such a contention does not aid his argument that his appeal was timely filed because the notice was due on or before December 28.

² Del. Supr. Ct. R. 6(a)(i).

Court as “illegal and unethical.” It asserts no legal basis upon which this Court could consider his appeal as timely filed.

(3) Time is a jurisdictional requirement.³ A notice of appeal must be *received* by the Office of the Clerk of this Court within the applicable time period in order to be effective.⁴ An appellant’s pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.⁵ Unless Tricome can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal cannot be considered.⁶ There is nothing in Tricome’s response to suggest that court personnel are responsible for the delay in timely filing his appeal. Thus, the Court concludes that the within appeal must be dismissed.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice

³ *Carr v. State*, 554 A.2d 778, 779 (Del.), *cert. denied*, 493 U.S. 829 (1989).

⁴ Del. Supr. Ct. R. 10(a).

⁵ *Carr v. State*, 554 A.2d at 779.

⁶ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).